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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 DARYL LAMAR BERRY,

9 Petitioner,

10 v.

11 DONALD HOLBROOK,

12 Respondent.

Case No. C18-502-RAJ-JPD

ORDER DIRECTING RESPONDENT TO
SUPPLEMENT THE RECORD

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14 This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner's federal habeas
15 petition is currently ripe for consideration. This Court has now reviewed all of the briefing of the
16 parties as well as the entirety of the state court record submitted by respondent in conjunction
17 with his answer to the petition. Absent from the state court record is the portion of the trial
18 transcript containing petitioner's testimony and any other testimony which may have been
19 presented in the defense case. It appears that this portion of the trial transcript would aid this
20 Court in its resolution of petitioner's federal habeas claims. Accordingly, the Court hereby
21 ORDERS as follows:
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ORDER DIRECTING RESPONDENT
TO SUPPLEMENT THE RECORD - 1

(1) Respondent shall submit to the Court, not later than ***August 24, 2018***, the portion of the trial transcript containing petitioner's testimony and any other testimony which may have been presented in the defense case. Respondent's answer to petitioner's federal habeas petition (Dkt. 10) is RE-NOTED on the Court's calendar for consideration on that date.

(2) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to the Honorable Richard A. Jones.

DATED this 14th day of August, 2018.

James P. Donohue
JAMES P. DONOHUE
United States Magistrate Judge